

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

ANTONIO M. BREAKMAN,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

3:10-cv-00633-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#67<sup>1</sup>) entered on September 14, 2012, recommending granting Defendant's Renewed Motion for Summary Judgment (#52) filed on March 8, 2012. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#67) entered on September 14, 2012, should be adopted and accepted.

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<sup>1</sup>Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#67)  
2 entered on September 14, 2012, is adopted and accepted, and Defendant's Renewed Motion for  
3 Summary Judgment (#52) is GRANTED as to Plaintiff's Eighth Amendment claim.

4 IT IS SO ORDERED.

5 DATED this 7th day of November, 2012.



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8 LARRY R. HICKS  
9 UNITED STATES DISTRICT JUDGE  
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